

Service Associates, Inc.

308 S Main Street
Winston-Salem, NC 27101
800-396-9950
WCSD@serviceassoc.com

October 9, 2015

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Washington, DC 20554

CC Docket Number 02-6
CC Docket Number 96-45

VIA ECFS

**Re: Request for Waiver
Appeal for Correction of Erroneous Reduction on Service Substitution Request**

To Whom It May Concern:

Our contact information and application identification are as follows:

Applicant Oliver Frail, Senior Compliance Analyst
Contact: Ernest Young, WCSD Director of Technology
Williamsburg County School District
Post Office Box 1067
Kingstree, SC 29556
wcsd@serviceassoc.com
(800) 396-9950
(828) 337-4188

This appeal letter requests waiver of 47 C.F.R. Section 54.719-54.725, or the 60 day deadline for filing appeals and that a decision on a Service Substitution Request be corrected to restore the applicant's full funding commitment.

Regarding: Funding Commitment Decision Letter:
Date of Letter November 25, 2014
Applicant Williamsburg County School District
Billed Entity Number 127201

Form 471 Application Number 807195

Grounds for Request

The purpose of this letter is to request relief from the rules as they stand – deadline for submitting FCC Appeals AND to request that an erroneous reduction on a Service Substitution Request be allowed to be corrected.

60 Day Deadline for FCC Appeals: The district received the RFCDL, enclosed, for this FY2011 request on Service Substitution during an arduous filing year unlike any other in the History of E-Rate. In fact, due to the substantial increase in burden of filing and complying with the new Modernization Order, the unintended consequences of the adjustment to FRN 2190823 was not discovered until the Service Provider attempted to invoice the last item, the very item it sought to service substitute, in a long term project that had just reached completion. On behalf of Williamsburg County School District, we respectfully appeal that the deadline for this FCC Appeal be waived so that the appeal for correction of the reduction may be reviewed on its merit.

The enclosed correspondence, beginning in June of 2015 and concluding on October 8, 2015 is evidence that we have worked since the error was discovered in June 2015, to resolve the matter directly with officials at USAC. Had we not been encouraged that the matter could be resolved directly with USAC we would not have waited 4 months from the time the error was discovered to file this appeal.

Erroneous Reduction on Service Substitution: On 9/29/2014, after waiting and waiting for service provider documentation needed to process multiple service substitution requests, my firm submitted a service substitution request to substitute one line item, the last line item to be purchased and installed at Williamsburg County School District. This work was performed from a hotel in DC as I was also in attendance at annual service provider training, among other meetings at the conference hotel. In my haste to submit the request, prior to the filing deadline, preserving the last \$10,000 of a \$60,000+ project, it never occurred to me that the review of my request would result in an erroneous reduction for the funding commitment \$35,252.00 below the amount already authorized for disbursement.

I understand that the submittal might have caused confusion on the part of the reviewer; however, I do not understand why the pending result, reduction below total authorized disbursement did not trigger a "Problem Resolution" outreach from USAC. We know that any discrepancies that arise in the review of a Form 500, used for any eligible purpose, will trigger a "Problem Resolution" case. Why, then, would an applicant request like a service substitution request be allowed to result in such a reduction without outreach to the applicant? Had outreach been performed this entire matter would have been prevented and the matter solved prior to the RFCDL. To add insult to injury, how long before this erroneous reduction results in an erroneous COMAD?

Closing

We respectfully appeal to the FCC to be allowed to correct this matter so final invoicing may occur and the applicant can close out this FRN once and for all. We believe this request is clearly within the spirit of the purpose of the E-rate program. To do otherwise would contribute to unintended consequences of hardship and inequity for this small, impoverished district in the low country of SC.

Thank you for your prompt attention to this matter. Please contact me if you have any questions or need additional information. My Letter of Agency is attached.

We look forward to your response.

Sincerely,
Williamsburg County School District
BEN 127201



Oliver T. Frail, Senior Compliance Analyst

Attachments: Letter of Agency
Email Correspondence – Mick Kraft

Attachment I

LOA



SCHOOL DISTRICT OF WILLIAMSBURG COUNTY

423 School Street – Post Office Box 1067 – Kingstree, SC 29556

Telephone: (843) (355-5571

Fax: (843) 355-3213



December 9, 2013

Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

To Whom It May Concern:

This letter is to inform you that the Williamsburg County School District (BEN 127201) has retained Service Associates, Incorporated to advise and assist the District in all matters regarding E-Rate and associated matters effective December 9, 2013, and we hereby authorize you to fully and openly speak and/or correspond with the Service Associates, Inc. Compliance Analysts listed below regarding all matters before USAC-SLD and/or the FCC:

Oliver T. Frail
Thomas T. Traywick
Heather K. Hosey
Jane J. Jones
Jamie Tomlinson

Additionally, these analysts will serve as the District's Form 471 Block 1 contact person, and as the District's E-rate contact on any other forms and correspondence requested by the District.

This Letter of Agency will be in effect through December 31, 2015, unless canceled or extended by the District, and covers all District applications for all types of services for any Funding Year.

Thank you for your assistance in this matter.

Sincerely,

Dr. Yvonne Jefferson-Barnes, Superintendent

cc: Oliver T. Frail
Janice Crosby
Hattie Pendergrass

Attachment II

Email Correspondence – Mick Kraft

Oliver Frail

From: Michael Kraft <mkraft@usac.org>
Sent: Thursday, October 08, 2015 10:48 AM
To: Oliver Frail
Cc: David Masters (dmasters@encoretg.com)
Subject: RE: Confirmation

Oliver,

The reviewers used the information submitted. There is no outreach needed when the from and to list are provided by the submitter.

Mick

From: Oliver Frail [ofrail@serviceassoc.com]
Sent: Thursday, October 08, 2015 10:39 AM
To: Michael Kraft
Cc: David Masters (dmasters@encoretg.com)
Subject: RE: Confirmation

Hi Mick. I am ready to write the appeal; however, I'm just waiting on your answer to my question below.
Thanks so much, Oliver

From: Oliver Frail
Sent: Sunday, September 27, 2015 6:43 AM
To: 'Michael Kraft' <mkraft@usac.org>
Cc: David Masters (dmasters@encoretg.com) <dmasters@encoretg.com>; Oliver Frail <ofrail@serviceassoc.com>
Subject: RE: Confirmation

Mick,

I have just one last question. I am certain I recall you saying, during our conversation in Phoenix, that the reduction of the funded amount below the disbursements already authorized, could trigger a COMAD in the future. If this is the case, regardless of how our request was written, why wouldn't the reviewer reach out for potential problem resolution? I obviously need to know b/c this has been my biggest problem with the way this review was handled and will be a significant portion of the discussion for my appeal to the FCC. I feel that that applicant requests get rigorously reviewed in all stages of the program but this request to reduce the FRN just flew through the process without any outreach. It doesn't make sense to me.

I appreciate your input.

Best Regards,
Oliver

Oliver Frail
President

Service Associates, Inc.
308 South Marshall Street
Winston-Salem, North Carolina 27101
Office 800-396-9950
FAX (336) 793-9105
Mobile 828-337-4188

Board Member - E-rate Management Professionals Association
(E-mpa™)

Please consider the environment before printing this e-mail

DISCLAIMER: This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message. Any disclosure, copying, or distribution of this message, or the taking of any action based on it, is strictly prohibited. Thank you.

Service Associates, Inc. is an E-rate compliance support services company serving applicants exclusively.

From: Michael Kraft [mailto:mkraft@usac.org]
Sent: Wednesday, September 23, 2015 9:41 AM
To: Oliver Frail <ofrail@serviceassoc.com<mailto:ofrail@serviceassoc.com>>
Cc: David Masters (dmasters@encoretg.com<mailto:dmasters@encoretg.com>)
<dmasters@encoretg.com<mailto:dmasters@encoretg.com>>
Subject: RE: Confirmation

Oliver,

I have researched this and discovered that this was processed as requested. The request was processed using the From and To listing provided and the subsequent approval was communicated. The discovery of the error in items submitted to USAC was done after 60 days. The problem here is that the appeal time is only 60 days. The changes requested, approved and sent out in your confirmation letter should have been appealed in that 60 day period.

I examined what we could do and this is something that requires a waiver from the FCC. You can request the restoration of the funds due to the errors on the request but you will also need to request a waiver of the rules for the 60 day time to appeal.

Best regards,

Michael Kraft
(202) 776-0200 (ph)
mkraft@usac.org<mailto:mkraft@usac.org>

From: Oliver Frail [mailto:ofrail@serviceassoc.com]
Sent: Wednesday, September 23, 2015 9:11 AM
To: Michael Kraft

Cc: David Masters (dmasters@encoretg.com<mailto:dmasters@encoretg.com>); Oliver Frail

Subject: RE: Confirmation

Importance: High

Hi Mick. We are getting more concerned by the minute about the status of this FRN that was reduced, in error, below the current authorized disbursement amount on an erroneous Service Substitution Request. The service provider is holding an invoice for the balance of the work performed, which cannot be submitted until the issue is resolved. Please advise at your earliest convenience.

FRN Number 2190823

Original FCD \$54,252

Revised FCD \$9000

Total Authorized Disbursement \$44,252

Discounted amount of Invoice that is outstanding for reimbursement \$9000

Best Regards,
Oliver

Oliver Frail
President

Service Associates, Inc.
308 South Marshall Street
Winston-Salem, North Carolina 27101
Office 800-396-9950
FAX (336) 793-9105
Mobile 828-337-4188

Board Member - E-rate Management Professionals Association
(E-mpa™)

Please consider the environment before printing this e-mail

DISCLAIMER: This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message. Any disclosure, copying, or distribution of this message, or the taking of any action based on it, is strictly prohibited. Thank you.

Service Associates, Inc. is an E-rate compliance support services company serving applicants exclusively.

From: Michael Kraft [mailto:mkraft@usac.org]
Sent: Friday, August 21, 2015 11:24 AM
To: Oliver Frail <ofrail@serviceassoc.com<mailto:ofrail@serviceassoc.com>>
Subject: RE: Confirmation

Oliver,

I have received your emails but do not have a solution yet.

Michael Kraft
(202) 776-0200 (ph)
mkraft@usac.org<mailto:mkraft@usac.org>

From: Oliver Frail [mailto:ofrail@serviceassoc.com]
Sent: Friday, August 21, 2015 11:23 AM
To: Michael Kraft
Subject: Confirmation

Mick,

I have been emailing you, per your suggestion, since I returned from the Phoenix training. To date, I have not received a response of any kind. Would you please confirm whether you are receiving my emails?

Thank you,
Oliver

Oliver Frail
President

Service Associates, Inc.
308 South Marshall Street
Winston-Salem, North Carolina 27101
Office 800-396-9950
FAX (336) 793-9105
Mobile 828-337-4188

Board Member - E-rate Management Professionals Association
(E-mpa™)

Please consider the environment before printing this e-mail

DISCLAIMER: This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message. Any disclosure, copying, or distribution of this message, or the taking of any action based on it, is strictly prohibited. Thank you.

Service Associates, Inc. is an E-rate compliance support services company serving applicants exclusively.

The information contained in this electronic communication and any attachments and links to websites are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, or the person responsible for delivering this communication to the intended recipient, be advised you have received this communication in error and that any use, dissemination, forwarding, printing or copying is strictly prohibited. Please notify the sender immediately and destroy all copies of this communication and any attachments.

The information contained in this electronic communication and any attachments and links to websites are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, or the person responsible for delivering this communication to the intended recipient, be advised you have received this communication in error and that any use, dissemination, forwarding, printing or copying is strictly prohibited. Please notify the sender immediately and destroy all copies of this communication and any attachments.

The information contained in this electronic communication and any attachments and links to websites are intended for the exclusive use of the addressee(s) and may contain confidential or privileged information. If you are not the intended recipient, or the person responsible for delivering this communication to the intended recipient, be advised you have received this communication in error and that any use, dissemination, forwarding, printing or copying is strictly prohibited. Please notify the sender immediately and destroy all copies of this communication and any attachments.

Oliver Frail

From: Oliver Frail
Sent: Monday, June 15, 2015 10:36 AM
To: mkraft@usac.org
Cc: Oliver Frail
Subject: WCSD/Follow-up from Service Provider Training
Attachments: RE: VoiceMail Message (For Christopher Jarrett)

Hi Mick.

It was a pleasure meeting you in person at the Phoenix service provider training. As we discussed directly after the training came to a close, I have an applicant that has a 10K invoice that is outstanding for submittal by their service provider on a SPI. Last September, I submitted an 11th hour Service Substitution Request on FRN 2190823. I did this from DC where the applicant trainings were being held, after waiting and waiting for this information from the service provider. In my haste to get this eligible request submitted prior to the 9/30 deadline, I neglected to catch that the "modified two" documentation did not include all of the items that were not changing.

As I explained, this resulted in the FRN being reduced below the amount already authorized for disbursement. Further, we already worked through this problem (see attached) on 2190816 but failed to catch it until much later on FRN 2190823. This FRN is the installation component of 2190816.

The attached correspondence between Christopher Jarrett and me accurately describes this scenario as well. I am aware that the appeal deadline has passed for this FRN but as you and I discussed this scenario presents further potential unintended consequences since the disbursed amount is now considerably more than the funded amount. To add insult to injury, the applicant could receive a COMAD on this FRN.

I am hoping you have the ability to provide some leniency on this particular matter so the applicant can proceed with the last invoice and so we can prevent another \$10k loss on this eligible, much needed FRN and finally so we can close out this FRN as completed. I am open to your suggestions.

Thank you, Mick, in advance for your consideration.

Best Regards,
Oliver

Oliver Frail
President

Service Associates, Inc.
308 South Marshall Street
Winston-Salem, North Carolina 27101
Office 800-396-9950
FAX (336) 793-9105
Mobile 828-337-4188

Board Member - E-rate Management Professionals Association
(E-mpa™)

Please consider the environment before printing this e-mail

DISCLAIMER: This message (including any attachments) contains confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this message. Any disclosure, copying, or distribution of this message, or the taking of any action based on it, is strictly prohibited. **Thank you.**

Service Associates, Inc. is an E-rate compliance support services company serving applicants exclusively.